

Sanford A. Mohr & Tina A. Mohr

73-4787 Halolani Street
Kailua-Kona, Hawaii 96740

Honorable Judge Shelley C. Chapman
One Bowling Green
New York, NY 10004-1408

May 4, 2017

Attn: Greg White, Law Clerk

Re: Chapter 11 Case No 08-13555 (SCC) (Jointly Administered)
Report of Fraud upon the Court
POC 33605 ECF No 44587



Aloha,

Please find herein an eighteen (18) page report chronicling what we believe to be a report and evidence of Fraud upon the Court relative to the above-named case.

We regret being unable to send this information to you sooner but constraints beyond our control including, but not limited to, medical necessity have prevented us from providing this report to you until now.

We request that the information provided herein be reviewed and considered and we request action be taken to affirm justice. We submit this report with a sense of duty toward, not only our own interests, but in the name of public justice and with deep respect and honor for due process and the Court.

We thank you.

Very truly yours,


Sanford A. Mohr


Tina A. Mohr

REPORT OF NEWLY DISCOVERED EVIDENCE - FRAUD UPON THE COURT

Chapter 11 Case No. 08-13555 (SCC) (Jointly Administered)

In regard to

Objection to Proof of Claim 33605 ("Objection") ECF. No. 39348

and

Supplemental Objection and Reply in Further Support of Objection
to Proof of Claim 33605 ("Supplemental Objection and Reply") ECF. No. 45587

and

Declaration of Richard Katz in Support of Supplemental Objection
and Reply in Further Support of Objection to
Proof of Claim No. 33605 Filed by Sanford A. and Tina A. Mohr ECF. No. 45588
("Declaration of Richard Katz")

and

Reply in Further Support of Supplemental Objection and Original Objection
To Proof of Claim No. 33605 ("Reply") ECF. No. 49252

PRELIMINARY STATEMENT

Sanford A. Mohr and Tina A. Mohr, husband and wife, claimants who filed Proof of Claim 33605, ECF No. 44587, believe it to be their moral and ethical duty to report to the Court newly discovered evidence that the Mohrs firmly believe indicates and/or constitutes Fraud Upon the Court. The Mohrs bring to this Court's attention, based on newly discovered evidence, that Lehman Brothers Holdings, Inc. (LBHI), as well as LBHI attorneys, and LBHI affiliates ("LBHI et al") involved in submitting and filing to the United States SDNY Bankruptcy Court the LBHI "Objection" (ECF No. 39348), LBHI "Supplemental Objection and Reply" (ECF No. 45587), LBHI "Declaration of Richard Katz" (ECF No. 45588) and LBHI "Reply" (ECF No. 49252) have also concomitantly submitted fraudulent documents that have been filed in Hawaii Circuit Court of the Third Circuit and more recently with the United States Federal District Court, District of Hawaii. By comparing documents filed by LBHI/LBHI et al and alleged co-conspirators in multiple jurisdictions including the United States Southern District of New York (SDNY) Federal Bankruptcy Court, Hawaii State Third Circuit Court, County of Hawaii, and United States Federal District Court, District of Hawaii, it becomes evident that LBHI/LBHI et al have intentionally misled the Court(s) over a period of time to a degree that rises to the level of committing Fraud upon the Court and they continue to engage in both civil and criminal misconduct. The Mohrs have

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discovered new evidence and continue to become aware of yet more evidence they deem to be “red flags” that indicate and/or constitute fraud, forgery, fraudulent concealment, fraud upon the Court, and other potentially civil and criminal misconduct a portion of which is reported below.

RED FLAGS

Upon information and belief, the Mohrs report “red flags” as follows:

- A. In SDNY Bankruptcy Court legal proceedings, Chapter 11 Case No.08-13555 (SCC), and other sources, Attorney Scott E. Drosdick is named as Senior Vice President of BNC, Inc., Senior Vice President of BNC LLC, and Officer of Lehman Brothers Holdings Inc.(LBHI).^{1,2,3} LBHI Attorney Scott E. Drosdick, in the Third Circuit Court of Hawaii, however, has misrepresented himself as an “Authorized Signatory” for Mortgage Electronic Registration Systems, Inc (MERS) via LBHI Attorney Drosdick’s signature on Hawaii Bureau of Conveyance (BOC) Doc # A-52250985, an “ASSIGNMENT OF MORTGAGE” that was evidently concealed from this SDNY Court. In other words, LBHI Attorney Drosdick, a Corporate Officer/Counsel for LBHI, in the guise as a MERS authorized signatory, fraudulently “assigned” the Mohrs’ property (subject property in Proof of Claim 33605) from MERS to LBHI. LBHI then claims to have sold the Mohrs property to Mariners LB Holdings/MLB Sub I (See *Katz Declaration* ECF. No. 45588); yet LBHI offers no evidence of the actual sale of said property. MLB Sub I, in turn, filed a foreclosure action against the Mohrs (referenced in *LBHI Supplemental Objection and Reply* ECF. No. 45587-3 “Exhibit 3). LBHI intentionally omitted to inform this SDNY Court that the Hawaii Third Circuit foreclosure action filed by MLB Sub I included MERS and **THE UNITED STATES OF AMERICA** as defendants in the foreclosure action. It is now apparent that LBHI intentionally concealed from the SDNY Bankruptcy Court material facts; LBHI Attorney Drosdick fraudulently assigned the subject property in Proof of Claim 33605, Hawaii BOC Doc # 2004-083632, from MERS to LBHI.

1. Lehman Brothers Holdings Inc, (LBHI) represents Scott E. Drosdick as a named officer of LBHI, Assistant Vice President, in 05/07/2008 Board Meeting minutes.

http://web.stanford.edu/~jbulow/Lehmandocs/docs/DEBTORS/LBHI_SEC07940_027984-028032.pdf

2. In *LBHI Supplemental Objection and Reply* ECF. No. 45587 “Exhibit 1” titled “Rescission of Release of Mortgage” a document filed at Hawaii BOC 2/4/2009 and submitted to the SDNY Bankruptcy Court LBHI and their attorneys represent Scott E. Drosdick as “SVP” Senior Vice President of both BNC Mortgage Inc., and BNC Mortgage LLC.

3. Colorado Supreme Court <http://www.coloradosupremecourt.com/Search/Attinfo.asp?Regnum=40766>

- B. The Mohrs have newly discovered after April 21, 2015 (the POC 33605 hearing date in SDNY Bankruptcy Court, Case No. 08-13555 (SCC)) that material alterations were made to notarized Original Documents signed and initialed by the Mohrs on April 16, 2004. Original Documents the Mohrs signed were apparently materially altered and submitted to Hawaii BOC as Doc # 2004-083632 on April 27, 2004, and also filed with the Courts in SDNY and Hawaii Third Circuit Court in legal proceedings against the Mohrs, and in 2014, also against MERS and the UNITED STATES OF AMERICA.
- C. The Mohrs have newly discovered and recently confirmed by obtaining official Hawaii State notary signature cards that the individual who notarized the April 16, 2004 documents central to the Mohrs' Proof of Claim 33605, SDNY Bankruptcy Court, Case No. 08-13555 (SCC), is a woman named Marcia C. Chang. The Mohrs have become aware that Hawaii Title Guaranty Escrow Officer, Marcia C. DeLima, and "Marcia C. Chang", the individual who notarized the 23-page document (Hawaii BOC Doc # 2004-082632), are one in the same person using two different names within the same document. In other words, it appears that the Hawaii Title Guaranty Escrow Officer, Marcia C. DeLima, notarized the April 16, 2004 documents under a different name, "Marcia C. Chang" before filing the altered/forged Doc # 2004-082632 to Hawaii BOC.
- D. The Mohrs, after finding newly discovered evidence, now understand that BNC. Inc.'s Hawaii attorney, Jade Lynn Ching, Esq., of the law firm Alston Hunt Floyd & Ing appears to have had knowledge of alterations made to the April 16, 2004 notarized Original Documents but concealed her knowledge of the alterations and subsequently intentionally submitted the altered documents to the Hawaii Third Circuit Court. The altered documents were subsequently submitted to the SDNY Bankruptcy Court and in numerous other legal proceedings. The Mohrs discovered in legal files returned to the Mohrs from their former retired counsel, George Zweibel, a series of paginated copies of documents retrieved from BNC, Inc. via BNC Inc's Hawaii Attorney Jade Lynn Ching. The Mohrs discovered in the returned files the original documents they had signed on April 16, 2004 and provided to Attorney Zweibel when they retained him as Counsel in 2005. The Mohrs were shocked to find out upon reviewing the returned files after so many years later that Hawaii BOC Doc # 2004-082632 had been materially altered/forged after their signing of April 16, 2004 documents central to this SDNY POC 33605 (and other legal proceedings in which Hawaii BOC Doc # 2004-082632 was used against the Mohrs.) The Mohrs were completely unaware of the alterations and forgery during and throughout the duration of legal proceedings filed against them and the legal proceedings related to SDNY POC 33605.

E. Filed the same day as LBHI's *Supplemental Objection and Reply* ECF. No. 45587 is the *Declaration of Richard Katz* ECF. No. 45588. In his *Declaration*, Richard Katz identifies himself as LBHI Vice President since May 2012. According to Epiq's Internet website http://investorshub.advn.com/boards/read_msg.aspx?message_id=105554911, as of August 2014, Richard Katz is reported to be LBHI Asset Team Portfolio Manager. The year prior, in 2013, Richard Katz is reported to be LBHI Asset Team member overseeing Loans, Analysis, and Unwind according to Epiq's website found on the Internet at http://investorshub.advn.com/boards/read_msg.aspx?message_id=89125957. Mr. Katz's contact info is listed as Rich Katz phone contact (646) 285-9065 and email contact richard.katz@lehmanholdings.com. Scott E. Drosdick, Senior Vice President and Counsel with LBHI ⁴ (as well as Senior Vice President of both BNC Mortgage, Inc. and BNC Mortgage LLC) relies on his LBHI associate, Richard Katz, to testify in the *Declaration of Richard Katz*, ECF. No. 45588 that "Neither BNC Mortgage LLC nor any of the Lehman Brothers Holdings Inc. and/or its Affiliated Debtors ... have an interest in the subject loan or the subject property." Katz further in his *Declaration* testifies under penalty of perjury that the subject loan and subject property was sold to Mariners LB Holdings LLC on September 9, 2013. However, Katz provides no actual evidence of or details of the purported sale of the subject property. The Mohrs now believe that the *Declaration of Richard Katz*, ECF. No. 45588, filed with the SDNY Bankruptcy Court on August 5, 2014 by LBHI Attorney Michael Rollin and Attorney Maritza Dominguez Braswell (*pro hac vice pending*) is a sham because it is predicated on a fraudulent "assignment" by LBHI Officer - Counsel, Scott E. Drosdick, to LBHI by and through his misrepresentation of himself as a MERS "Assignor"/"Authorized Signatory" Scott E. Drosdick, LBHI Officer, knowingly and intentionally falsely portrayed himself under the guise and ruse as a MERS "Assignor" and "Authorized Signatory" so as to fraudulently "assign" on 7/25/13 an alleged MERS asset (the Mohrs property) to LBHI; a reasonable person may understand that Richard Katz as LBHI Asset Team Portfolio Manager would most likely be aware that LBHI Corporate Officer, Scott E. Drosdick,

4. On the Internet site, *Linked in*, Scott Drosdick represents himself as "SVP-Counsel, Lehman Brothers Holdings, Inc. October 2008 - Present (8 months)" and describes his job duties as follows: "Provide legal oversight for management of incoming, outgoing legal claims and mortgage assets of Lehman's residential mortgage loan portfolio while it acts in its capacity as a Chapter 11 "Debtor In Possession"". <https://www.linkedin.com/in/scott-drosdick-2303a45>

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was not a MERS "Assignor" or "Authorized Signatory"; but, in fact, is an LBHI SVP and LBHI Counsel. The Mohrs believe that LBHI, LBHI Attorneys, LBHI Officers, LBHI Affiliates co-conspired to intentionally withhold and conceal from the SDNY Bankruptcy Court LBHI's misuse of LBHI Corporate Officer Scott E. Drosdick to fraudulently "assign" the subject property from MERS to LBHI in their filings related to the Mohrs' POC 33605. Hawaii Attorney Jade Lynn Ching for BNC Inc., in conjunction with LBHI Senior Vice President - Counsel, Scott E. Drosdick, jointly prepared a Hawaii BOC document purported as "Rescission of Release of Mortgage"^{5,6}, Hawaii BOC Doc No 2009-015836, appearing as "Exhibit 1" of LBHI *Supplemental Objection and Reply*, ECF. No. 45587-1. Scott E. Drosdick's signature appears twice in the document. Under one of Scott E. Drosdick's signatures is "SVP" or Senior Vice President BNC Mortgage, Inc. Under his second signature, Scott E. Drosdick indicates he is "SVP" or Senior Vice President of BNC Mortgage LLC. BNC, Inc.'s Hawaii attorney, Attorney Jade Lynn Ching, appears to have submitted Hawaii BOC Doc No 2009-015836 via the law firm Alston Hunt Floyd & Ing as indicated by the parenthesized initials "JLC", those initials appearing to represent the initials of BNC Inc.'s Hawaii attorney, Jade Lynn Ching.

Furthermore, LBHI Attorney Scott E. Drosdick, holds and/or has held a corporate position as Senior Vice President of LBHI wholly owned subsidiary, Legacy Asset Management Company (LAMCO, LLC).^{7,8} LBHI's creation of LAMCO, LLC was

5. It may be noteworthy to bring attention to the fact "Rescission of Release of Mortgage", Hawaii BOC Doc No 2009-015836 was signed on February 2, 2009 and filed with Hawaii BOC February 4, 2009 after BNC Inc.'s. bankruptcy filing with United States SDNY Bankruptcy Court on January 9, 2009.

6. Note that Page 2 of "Rescission of Release of Mortgage", Hawaii BOC Doc No 2009-015836, appearing also as "Exhibit 1" of LBHI *Supplemental Objection and Reply*, ECF. No. 45587-1, includes the statement, "WHEREAS, such Release, was not signed by MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as nominee for BNC MORTGAGE, INC., successor in interest, by merger, to FINANCE AMERICA, LLC, the mortgagee of record, and therefore should never have been recorded." Yet later, Scott E. Drosdick himself pretends to be a MERS "Authorized Signatory" in the purported assignment of subject property from MERS to LBHI, Hawaii BOC Doc # A-52250985 dated 7/25/2013 and filed with Hawaii BOC months later on 4/ 22/2014 (but concealed from the SDNY Bankruptcy Court).

7. <http://www.reuters.com/article/lehman-lamco-idUSN1525349020100415?dbk>

8. http://www.zoominfo.com/CachedPage/?archive_id=0&page_id=580976865&page_url=//www.imn.org/pages/biography.cfm?personid=SDLP7GWXOAYB&page_last_updated=2011-10-04T21:02:20&firstName=Scott&lastName=Drosdick

formerly approved by Honorable Judge Peck as a means to create this new company as part of the plan for LBHI to emerge from bankruptcy. According to Reuters, LBHI/LAMCO Attorney Drosdick “provides legal oversight for Lehman’s residential mortgage portfolio in addition to overseeing a team charged with managing Lehman’s incoming and outgoing residential mortgage repurchase claims.”

Ultimately, Scott E. Drosdick, a corporate officer and Counsel of BNC, Inc., BNC LLC, and LBHI appears to have fraudulently assigned the Mohrs property from MERS to LBHI. In other words, BNC, Inc. / BNC LLC / LBHI/LAMCO essentially self-assigned a mortgage (by way of Hawaii BOC Doc # A-52250985) from MERS to LBHI under the guise and ruse of misrepresenting Scott E. Drosdick as “Assigned Signatory” of MERS; instead, he actually is a Corporate Officer of LBHI and LAMCO. LBHI then assigned the property to MLB Sub I. MLB Sub 1 who then initiated a foreclosure lawsuit *COMPLAINT TO FORECLOSE MORTGAGE*, Civil No 14-1-28, against the Mohrs in Hawaii Circuit Court of the Third Circuit, and included MERS and THE UNITED STATES OF AMERICA as Defendants; however, LBHI intentionally concealed these facts from the SDNY Bankruptcy Court in LBHI *Supplemental Objection and Reply*, ECF. No. 45587-3. The *COMPLAINT TO FORECLOSE MORTGAGE*, Civil No 14-1-28 falsely alleged by MLB SUB I’s supposed servicer, SN Servicing Corporation, that the amount owing by the Mohrs to MLB Sub I was a total of \$937, 086.91. After the Mohrs paid a \$20, 492.40 retainer fee to defend the frivolous foreclosure suit, the case was dismissed without prejudice because MLB SUB I failed to file a timely Pretrial Statement. Subsequently, MLB SUB I filed an Ex Parte Motion to Intervene as a Defendant in the Hawaii Third Circuit case 3CC05100095K, *SANFORD A MOHR et al VS DEUTSCHE BANK et al* and moved the case to Hawaii Federal District Court without knowledge or consent of the Mohrs. By so doing, MLB Sub I has now named themselves as Defendant in *MOHR v. MLB SUB I et al*, now listed as Case # 1:16-cv-00493 in Hawaii District Court. The case is now set for a Scheduling Conference on June 15, 2017.

BRIEF STATEMENT OF FACTS TIME LINE

September 22, 2009

Mr. and Mrs. Sanford Mohr (“Mohrs”) filed Proof of Claim 33605

July 16 , 2013

Samir Margetic, Senior Servicing Operations Specialist for
OCWEN FINANCIAL CORPORATION in Palm Beach, Florida

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signed as MERS "Assistant Secretary" a Release of Mortgage without Satisfaction of Debt ("Release"). The Release was said to be witnessed by two (2) individuals, Ivelka Angeles and Shavene Sharpe. The Release document references "Investor # 4468" and is stated to have been "Prepared by Christian Lazu/MG" of OCWEN LOAN SERVICING LLC in West Palm Beach, Florida.

August 5, 2013	The above-named "Release" dated July 16, 2013 was filed with Hawaii BOC as Hawaii BOC Doc # A-4960428
August 12, 2013	Lehman Brothers Holding Inc. (" <u>LBHI</u> ") filed <i>Objection</i> ECF No. 39348 to which Mohrs filed <i>Response</i> ECF No. 41101 to LBHI <i>Objection</i>
September 9, 2013	LBHI claims to have sold the Mohrs' property to Mariners LB Holdings on this date
March 25, 2014	MLB Sub 1 Attorney Lester Leu of Leu, Okuda, & Doi law firm emailed Mohrs' legal counsel, Attorney George Zweibel, and stated, "We are now representing MLB Sub I, LLC which now owns property."; i.e., the Mohrs property, subject property of POC 33605, ECF No. 44587. Attorney Leu's email bears the time sent as "12:07:41 PM HST" (<i>See Exhibit Q in the Mohrs' POC 33605</i>)
March 25, 2014	Assignment of Mortgage from LBHI to MLB Sub I LLC Dated 4/22/14
April 17, 2014	Hawaii BOC #A52201049 Special Power of Attorney / LBHI to MLB SUB I LLC
April 17, 2014	Hawaii BOC #A52201127 Cancellation of #A51970751 / LBHI to MLB SUB I LLC
April 17, 2014	Hawaii BOC #T8872324 Special Power of Attorney / LBHI to MLB SUB I LLC

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April 22, 2014 ASSIGNMENT OF MORTGAGE dated 7/25/2013 prepared by LBHI was filed with Hawaii BOC Doc No. A-52250985 “assigns” a mortgage from MERS to LBHI. The Assignment of Mortgage was signed by Scott E. Drosdick, LBHI SVP-Counsel, acting as an imposter MERS “Authorized Signatory”. Per Katz, alleged mortgage was sold to Mariners LB Holdings LLC on September 9, 2013

April 22, 2014 Assignment of Mortgage from LBHI to MLB Sub I signed by April Smith, MLB Sub I, Vice President apparently pursuant to an April 17, 2014 *Limited Power of Attorney* (POA).

April 25, 2014 Assignment of Mortgage from LBHI to MLB Sub I filed at Hawaii BOC as Doc No. A52280660 at 3:29 P.M. HST. [Exhibit 4 of MLB Sub I *Motion for Summary Judgment* filed against Mohrs in Hawaii Third Circuit Court on January 2, 2015]

April 25, 2014 BOC #A52280660 Assignment of Mortgage / LBHI to MLB Sub I LLC

July 30, 2014 MLB Sub I filed COMPLAINT TO FORECLOSE MORTGAGE, Civil No 14-1-28, in the Circuit Court of the Third Circuit, State of Hawaii on July 30, 2014. In the MLB Sub I COMPLAINT TO FORECLOSE MORTGAGE, Civil No 14-1-28 there is an Exhibit “3” which purports to be an ASSIGNMENT OF MORTGAGE, Hawaii BOC Doc No A-52250985 with named Assignor/Grantor Mortgage Electronic Registration Systems, Inc. (MERS) assigning a MORTGAGE to Lehman Brothers Holdings, Inc. (“LBHI”). The document is dated July 25, 2013 but was not filed with the Hawaii Bureau of Conveyances (“BOC”) until April 22, 2014. The document appears to assign the mortgage from MERS to LBHI; however, the document is signed by SCOTT E. DROSDICK who is actually Senior Vice President of BNC, Inc. and BNC, LLC as LBHI represents in Exhibit 1 of Supplemental Objection and Reply, ECF No. 45587, in the Chapter 11 Case No 08-13555 (SCC) in the United States Bankruptcy Court, Southern District of New York.

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It appears that LBHI intentionally misled the Court overtly in Hawaii and covertly in New York with this sham ASSIGNMENT OF MORTGAGE, Hawaii BOC Doc No A-52250985.

LBHI who prepared the document as appears on the face of the document had their own Senior Vice President (SVP) of BNC, Inc. and BNC, LLC, namely SCOTT E. DROSDICK, apparently intentionally misrepresent himself as a MERS "Assignor/Grantor" thus making the assignment a sham and, in the Mohr's understanding and opinion, fraudulent and void.

Essentially, LBHI, by and through their SVP, SCOTT E. DROSDICK self-assigned a purported MERS asset from MERS to LBHI and, three days later, an Assignment of Mortgage fraudulently transferring the subject property of Proof of Claim 33605 from LBHI to MLB Sub I filed with Hawaii BOC as Doc No. A52280660 at 3:29 P.M. HST.

The Mohrs were required to retain legal counsel to defend against the MLB Sub I *COMPLAINT TO FORECLOSE MORTGAGE*, Civil No 14-1-28 in Hawaii Circuit Court of the Third Circuit. The attorney hired by the Mohrs required a \$20,492.40 retainer fee.

August 4, 2014 Hawaii BOC #A53290489, a Lis Pendens against the Mohrs, was filed by MLB Sub I, LLC attorneys, Leu, Okuda, & Doi

August 5, 2014 LBHI filed *Supplemental Objection* and Reply and *Declaration of Richard Katz* to which Mohrs filed Response, ECF No 41101
The *Declaration of Richard Katz* states that Mr. Richard Katz is and has been Vice President at LBHI since May 2012. Mr. Katz further claims under penalty of perjury under the laws of the United States in point #4 of his *Declaration*, "Neither BNC Mortgage, LLC nor any of the Lehman Brothers Holdings, Inc. and/or its Affiliated Debtors in the above-referenced chapter 11 cases, as debtors and debtors in possession (together, the "Debtors") has any interest in the subject loan or the subject property."

Apparently, Mr. Katz is referencing one of the two (2) Power of Attorney documents filed with the Hawaii BOC. According to Hawaii BOC records the following transactions took place involving LBHI and Mariners LB Holdings LLC /MLB Sub I, LLC as follows:

HAWAII BOC#	TRANSACTION	DATE
BOC #A51970751	Assignment of Mortgage / LBHI to MLB Sub I LLC	2014-03-25
BOC #A52201049	Special Power of Attorney / LBHI to MLB SUB I LLC	2014-04-17
BOC #A52201127	Cancellation of #A51970751 / LBHI to MLB SUB I LLC	2014-04-17
BOC #T8872324	Special Power of Attorney / LBHI to MLB SUB I LLC	2014-04-17
BOC #A52280660	Assignment of Mortgage / LBHI to MLB Sub I LLC	2014-04-25
BOC #A53290489	Lis Pendens / Sanford A Mohr to MLB Sub I	2014-08-04

The Mohrs assert that each of the six (6) transactions are fraudulent inasmuch as each of the above-named Hawaii BOC transactions are based on LBHI SVP / Counsel, Scott E. Drosdick's fraudulent conveyance of the subject property of POC 33605 from MERS to LBHI whereas LBHI Attorney Scott E. Drosdick had no apparent authority to transfer the subject property from MERS to LBHI because he was and remains SVP / Counsel for LBHI. Please note the following: Exhibit 1 of *Supplemental Objection and Reply*, ECF No. 45587, is purportedly an original copy of Rescission of Release of Mortgage Doc 2009-015836 filed at Hawaii Bureau of Conveyances ("BOC") signed by SCOTT E. DROSDICK, representing himself as Senior Vice President of BNC, Inc. and BNC, LLC. The document, Hawaii BOC Doc 2009-01583 purportedly was filed to rescind Hawaii BOC DOC 2008-185290 notarized Release of Mortgage signed on 12/02/2008 by LINDA DeNICOLA representing herself as BNC, Inc. Senior Vice President. The document, bears the law firm name ALSTON HUNT FLOYD & ING ("AHFI") followed by (JLC). "JLC" of this law firm, AHFI, is attorney JADE LYNN CHING, legal counsel for BNC, Inc.

On the face of Exhibit 1 of LBHI's *Supplemental Objection and Reply*, ECF No. 45587, the document, bears the law firm name ALSTON HUNT FLOYD & ING ("AHFI") followed by (JLC). "JLC" of this law firm, AHFI, is attorney JADE LYNN CHING, legal counsel for Defendant BNC, Inc. in Sanford A. Mohr et al v Deutsche Bank et al, Hawaii Civil No. 05-1-095K.

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See Page 2 ¶ #3 of MLB Sub I *COMPLAINT TO FORECLOSE MORTGAGE* referencing Hawaii Third Circuit Civil No. 05-1-095K. Cross reference with Mohrs' Exhibit J of *Response to LBHI Objection*, ECF No 4110

On page 5 of the *Supplemental Objection and Reply*, ECF No. 45587, is an alleged statement of fact that reads: "On July 30, 2014, the foreclosure proceedings were renewed."

See attached Exhibit 3 of the *LBHI Supplemental Objection and Reply*, ECF No. 45587, is a 8/5/2014 *Ho'ohiki* printout from Hawaii State Judiciary's online Public Access to Court Information website. Exhibit 3 references a foreclosure action filed 7/30/2014 with the case title name "*MLB SUB I LLC VS SANFORD A MOHR ETC ET AL*".

Plan Administrator, by and through their LBHI attorneys, Michael A. Rollin and Maritza Dominquez Braswell (*pro hac vice pending*) on behalf of Plan Administrator and LBHI/ BNC Mortgage LLC attorneys appear to have filed the *Supplemental Objection and Reply*, ECF No. 45587 . However, the Plan Administrator and their attorneys apparently intentionally omitted to inform the SDNY Bankruptcy Court that the foreclosure action filed in Hawaii Third Circuit Court on 7/30/2014 with the case title named "*MLB SUB I LLC VS SANFORD A MOHR ETC ET AL*" also includes as Defendants in the case MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC and UNITED STATES OF AMERICA. The Mohrs believe that LBHI/BNC Inc/BNC Mortgage LLC intentionally misled the SDNY Bankruptcy Court by excluding the material facts that MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC and UNITED STATES OF AMERICA were named Defendants in the foreclosure action filed by MLB Sub I, LLC in Hawaii Third Circuit Court on 7/30/2014.

January 2, 2015 MLB Sub I, LLC filed *Motion for Summary Judgement, and for Interlocutory Decree of Foreclosure Against all Parties* in Civil No 14-1-28, in the Circuit Court of the Third Circuit, State of Hawaii

February 2, 2015 Letter dated January 31, 2015 from Mr. and Mrs. Mohr to Honorable Judge Chapman requesting extension of time due to medical condition and disability of Mrs. Mohr was received and filed with the SDNY Bankruptcy Court, ECF 48041

February 4, 2015 Court's Order, ECF No. 48043, and Adjournment, ECF No. 49268, entered on docket.

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April 8, 2015 Mohr's *Answer to Supplemental Objection and Reply* ,
filed April 7, 2015 was entered, ECF No. 49193

April 14, 2015 Mohrs filed *Reply* ECF. No. 49252 to LBHI Motion in Further
Support of Supplemental Objection and Original Objection
LBHI filed *Reply*

April 21, 2015 Pursuant to the Court's February, 4, 2015 Order, ECF No. 48043
and Adjournment, ECF No. 49268, *Objection and Supplemental
Objection* to Proof of Claim No. 33605 Filed By Sanford A. and
Tina A. Mohr [ECF Nos. 39348 and 45589] was held and the
Mohrs Proof of Claim 33605 was disallowed.

April 2015 Mohrs retained legal counsel requiring the Mohrs to pay a retainer
fee of \$20,492.40 to defend against the fraudulent MLB SUB I
foreclosure claim

October 2015 Mohrs' attorney Gary Victor Dubin filed *Answer to Motion for
Summary Judgement and Memorandum in Opposition*

February 19, 2016 Mrs. Mohr underwent a 6 ½ neurosurgery to repair a spinal cord injury
that had by this time rendered her bedridden requiring 24/7 around the
clock care; subsequent to neurosurgery Mrs. Mohr underwent extensive
occupational therapy and physical therapy prescribed to restore functional
capacity and is under ongoing care.

March 29, 2016 MLB Sub I *COMPLAINT TO FORECLOSE* was dismissed
March 29, 2016 because Plaintiff MLB Sub I, LLC never timely filed a
Pretrial Statement after asking for three (3) Extensions to submit Pretrial
Statement. [See Exhibit B of this Report]

August 2016 MLB Sub I, LLC filed an Ex Parte Motion to Intervene as a Party
in Interest in 2005 case. Upon reviewing the Ex Parte Motion, the
Mohrs discovered the nature of the sham ASSIGNMENT OF MORTGAGE
dated 7/25/13 with signature of LBHI SVP and Counsel SCOTT E.

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DROSDICK, Senior Vice President of BNC Inc. and BNC LLC, misrepresenting himself as MERS "assignor" who signed the MERS document fraudulently conveying/ transferring the Mohrs' property from MERS to LBHI.

September 6, 2016 MLB SUB I, LLC now appears to conceal the altered/forged notarized Hawaii BOC Doc # 2004-082632 from Hawaii Federal District Court in the newly filed case, Mohr v MLB SUB I (1:16-cv-00493), moved to Hawaii Federal District Court on September 6, 2016 by MLB Sub I attorneys without the Mohrs' knowledge, approval, or consent. The Mohrs only became aware of Mohr v MLB SUB I (1:16-cv-00493) on or about September 20, 2016 via an Internet search as the Mohrs were not served by MLB SUB I, LCC's retained law firm, Leu, Okuda, & Doi, the September 6, 2016 Hawaii Federal District Court MLB SUB I filings.

MLB SUB I, LLC now only presents to Hawaii Federal District Court a copy of the true original documents signed by the Mohrs April 16, 2004 (that were never filed at Hawaii Bureau of Conveyances). MLB SUB I, LLC now does not present to the Hawaii Federal District Court the altered/forged notarized documents that were filed at Hawaii BOC as Hawaii BOC Doc # 2004-082632. However, LBHI and MLB SUB I did present the altered/forged version, Hawaii BOC Doc # 2004-082632, to SDNY Bankruptcy Court and Hawaii Third Circuit Court, respectively. BNC, Inc., BNC, LLC, LBHI, and MLB SUB I have all previously submitted Hawaii BOC Doc # 2004-082632 as "true and correct" copies of a Mortgage and Note.

The Mohrs requested an extension of time to convene Mohr v MLB SUB I (1:16-cv-00493) due to medical necessity. Mrs. Mohr continues to experience neurological deficits, is yet undergoing ongoing neurosurgical follow-up care, and has been limited in her ability to attend to these legal matters including the filing of this report. Mohr v MLB SUB I (1:16-cv-00493) was scheduled to convene December 19, 2016 in Hawaii Federal District Court, then February 15, 2017; but, upon request of the Mohrs to the Hawaii Federal District Court, the matter has been continued to convene June 15, 2017.

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SUMMARY DISCUSSION

Mr. and Mrs. Mohr report that LBHI/BNC Mortgage LLC intentionally concealed from the SDNY Bankruptcy Court that LBHI Attorney SCOTT E. DROSDICK misrepresented himself as MERS "Authorized Signatory" in Exhibit "3" of the *MLB SUB I LLC VS SANFORD A MOHR ETC ET AL* foreclosure action filed by MLB Sub I in Hawaii Third Circuit Court on 7/30/2014. [See EXHIBIT A of this report]

The Mohrs believe that the *ASSIGNMENT OF MORTGAGE* dated 7/25/13 signed by SCOTT E. DROSDICK as MERS "Authorized Signatory" is a sham, is bogus, and may constitute fraudulent conveyance/fraudulent transfer.

SCOTT E. DROSDICK is Senior VP of BNC LLC, Subsidiary of LBHI, and Senior VP of LAMCO, LLC, wholly owned LBHI subsidiary, not an "Authorized Signatory" and/or

"ASSIGNOR" for Mortgage Electronic Registration Systems, Inc. (MERS) as he misrepresents by signing the sham 7/25/13 *ASSIGNMENT OF MORTGAGE*, Hawaii BOC Doc No A-52250985, appearing to grant, convey, assign the Mohrs property located at 73-4787 HALOLANI ST, KAILUA KONA, HI 96740 from MERS to LBHI. Moreover, the Notary Public who notarized Hawaii BOC Doc No A-52250985, Kathryn Leann Vigil, is "Legal Administrator at Lehman Brothers" in Denver, Colorado.⁹

Certainly, any reasonable person would note that both LBHI SVP - Counsel, namely Attorney Drosdick and Notary Public Kathryn Leann Vigil⁹, Legal Administrator at Lehman Brothers, both in the Greater Denver Area, would each know that LBHI Attorney Drosdick could not be and is not a MERS "Authorized Signatory", particularly when that very document, Hawaii BOC Doc No A-52250985, is used in a lawsuit in Hawaii with MERS named as Defendant, such as is showcased in Exhibit 3 of the LBHI *Supplemental Objection and Reply*, ECF No. 45587, a foreclosure action filed 7/30/2014 with the case title name "*MLB SUB I LLC VS SANFORD A MOHR ETC ET AL*".

9. <https://www.intelius.com/people/Kathryn-Vigil/Denver-CO/0CEQD1VCG5Z>

According to State of Hawaii Department of Commerce and Consumer Affairs (DCCA) Business Registration Division records, SCOTT E. DROSDICK registered BNC Mortgage LLC on June 8, 2007 as a Foreign Limited Liability Company (LLC) incorporated in Delaware and represented himself to be an Agent of BNC Mortgage LLC with the address: SCOTT DROSDICK
10350 PARK MEADOWS DR
LITTLETON, Colorado 80421
UNITED STATES

The Mohrs firmly believe that LBHI/BNC has intentionally misled the SDNY Bankruptcy Court; in the above-mentioned instances. LBHI et al intentionally excluded submitting an actual filed date stamped copy of the COMPLAINT TO FORECLOSE MORTGAGE to the SDNY Bankruptcy Court that was filed by MLB Sub I in Civil No 14-1-28, in the Circuit Court of the Third Circuit, State of Hawaii on July 30, 2014, in which LBHI Attorney Scott E. Drosdick is clearly misrepresented as a MERS "ASSIGNOR"/ "Authorized Signatory". The Mohrs believe the actual date stamped copy of the Hawaii COMPLAINT TO FORECLOSE MORTGAGE was intentionally concealed from the SDNY Bankruptcy Court to hide the fact that Scott E. Drosdick misrepresented himself as a MERS "ASSIGNOR"/ Authorized Signatory".

The Mohrs believe that LBHI/BNC intentionally concealed from the SDNY Bankruptcy Court the actual fact that MERS was a defendant in the MLB Sub I foreclosure suit in Civil No 14-1-28, in the Circuit Court of the Third Circuit, State of Hawaii on July 30, 2014. The Mohrs believe the *Declaration of Richard Katz* dated 8/5/2014 appears to be a sham with the intent to mislead the Court. Moreover, when one actually reads the *Special Power of Attorney* (SPA) document(s), one may ascertain that LBHI continues to claim to maintain at least a partial interest in the subject property of SDNY Bankruptcy Court POC 33605 in Chapter 11 Case No. 08-13555 (SCC).

A Lis Pendens, Hawaii BOC #A53290489, was placed on the subject property of the Mohrs based on the filing in Hawaii Third Circuit Court of the frivolous foreclosure action, Civil #14-1-283K, MLB Sub I, LLC (Plaintiff) v. Sanford A. Mohr, Individually and as Trustee, Tina A. Mohr, Individually and as Trustee, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; United States of America; John and Mary DOES 1-20; DOE Partnerships, Corporations or other Entities 1-20. (Defendants).

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The reasonable person might question why Exhibit “3” of the *Complaint to Foreclose* filed in Hawaii Third Circuit Court contains the signature of SCOTT E. DROSDICK purporting to be an “Authorized Signatory” for MERS. Again, it is emphasized that Mr. Drosdick is actually LBHI SVP / COUNSEL and SVP of LAMCO LLC, wholly owned subsidiary of LBHI. Thus, LBHI Attorney Drosdick is fraudulently assigning the subject property from MERS to LBHI and LBHI then assigning the subject property to MLB Sub I.

The reasonable person might ask, “ Why does SCOTT E. DROSDICK, purport to be an “Authorized Signatory” for MERS and give permission of sorts (via assignment from MERS to LBHI) for MLB Sub I, LLC to take litigious action against MERS as Defendant in a civil action lawsuit with MLB Sub I, LLC as Plaintiff? Reasonably speaking, an authentic MERS “Authorized Signatory” would do no such thing. Thus, Hawaii Third Circuit Court Civil #14-1-283K, *MLB Sub I, LLC v. Sanford A. Mohr et al* appears to, in fact, be a frivolous lawsuit that most likely, when taken in context in conjunction with the series of other misstatements and misconduct and filing of fraudulent documents by LBHI et al, may qualify to be deemed Fraud Upon the Court(s) when reviewing and comparing the various Court filings in various jurisdictions of New York and Hawaii.

ANCILLARY BACKGROUND INFORMATION

The Mohrs have lived on the subject property of Proof of Claim 33605 since June 1996. The Mohrs believe that Lehman Brothers and their subsidiaries and affiliates, LBHI along with LBHI attorneys, LBHI officers, LBHI affiliates (including but not limited to Mariners LB Holdings and MLB Sub I, LLC), and other ancillary entities including but not limited to LBHI-related mortgage servicers have, over an extended period of time as early as 1998, colluded and conspired and continue to do so engaging in schemes to defraud for LBHI et al’s’ unjust enrichment.

The Mohrs have newly discovered and now believe that the **2004 “Litton Pay Off”** related to Proof of Claim 33605 may have been paid to the **Originator of a 1998 loan, BNC Mortgage, Inc.** (likely intentionally concealed via an entity by the name of CMG Funding). In other words, the Mohrs believe the “Litton Pay Off” related to Proof of Claim 33605 was paid via **LBHI subsidiary Finance America, Inc.** to

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LBHI subsidiary, BNC Mortgage, Inc. and this was concealed by LBHI et al from the Mohrs, the Court(s), and other authorities.

The Mohrs believe and report to the Court that LBHI's misconduct related to Proof of Claim 33605 is an example of LBHI et. al's egregious, persistent, and pervasive intentional civil and criminal misconduct relative to LBHI's corporate Chapter 11 reorganization in which LBHI et al have engaged and continue to engage in convoluted and intentional nefarious misconduct that the Mohrs believe arise to the level of Fraud Upon the Court(s).

The Mohrs believe and report to the Court that LBHI's. LBHI Attorneys', and LBHI Affiliates' intentional strategies to mislead the Court(s) meet the legal criteria and elements to substantiate Fraud Upon the Court:

"1) [conduct] on the part of an officer of the court; that 2) is directed to the judicial machinery itself; 3) is intentionally false, willfully blind to the truth, or is in reckless disregard of the truth; 4) is a positive averment or a concealment when one is under a duty to disclose; and 5) deceives the court." Johnson v. Bell, 605 F.3d 333, 339 (6th Cir. 2010)

CONCLUSION

The Mohrs herein allege that LBHI via LBHI attorneys, et. al., have tacitly and intentionally made complicit and fraudulent statements to the Court and have submitted fraudulent documents to the Court. Inculpatory evidence reveals that LBHI Attorney Michael Rollin, LBHI Attorney Martiza Dominguez Braswell (*pro hac vice pending*), along with other LBHI Lead Attorneys of Weil, Gotshal & Manges LLP, BNC Inc., BNC Inc's Hawaii Attorney Jade Lynn Ching, Mariners LB Holdings LLC/ MLB Sub I and their Attorneys in Hawaii of the Honolulu law firm Leu Okuda & Doi, knowingly and intentionally have engaged and continue to engage in intentional professional, civil, and criminal misconduct by colluding to utilize, LBHI SVP and Counsel, Scott E. Drosdick, Esq., LBHI SVP-Counsel, to trick the Courts, in the NYSD Bankruptcy Court, in the Hawaii Third Circuit Court, and most recently in the Hawaii First District Federal Court, into believing that Mariners LB Holdings (aka: MLB Sub I) lawfully obtained the subject property represented in Proof of Claim 33605 in Chapter 11 Case No. 08-13555 (SCC).

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Upon information and belief and to the best of the Mohrs' knowledge, LBHI did not lawfully transfer the subject property from MERS to LBHI to Mariners LB Holdings (aka: MLB Sub I) as fabled in LBHI's *Declaration of Richard Katz* (ECF No. 45588). When taken into context of the larger whole, the bigger picture so to speak, LBHI, et. al, knowingly, willfully, and intentionally utilize the Court(s) recalcitrantly with blatant disregard to the Courts and others frauded by LBHI et. al.

Mr. and Mrs. Sanford Mohr believe it is incumbent upon all in American society to uphold justice, morals, values, and ethics by being truthful, by following the law, and by affording due process. The Mohrs believe LBHI's efforts to trick the Court(s) via bold and brazen misrepresentations, intentional omissions of material facts, intentional concealment, fraud, fraudulent conveyances, SEC violations, and schemes to defraud carried out by LBHI, LBHI attorneys and LBHI Affiliates such as in matters involving Proof of Claim 33605, must be reported to the Court, to law enforcement agencies , and other governmental agencies. In the Mohrs' opinion, LBHI and LBHI attorneys, in this case, treat the courtroom more like a poker parlor than a place to uphold parliamentary procedure, due process, and authentically veritable justice. The Mohrs respectfully request all remedial action be taken to set the record straight in all Court proceedings related to Proof of Claim 33605, to uphold the Mohrs' POC 33605, and to prevent LBHI and their attorneys from intentionally carrying out further illegal acts.

Note: Reports have been submitted and are in the process of being submitted to Consumer Finance Protection Bureau (CFPB) and other regulatory and law enforcement agencies to report what the Mohrs believe to be civil and criminal misconduct by LBHI, their affiliates, and their attorneys.

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